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UNITED STATES DISTRICT COURT

DISTRICT OF ALASKA

A.M., by and through his)	
parents, R.M. and A.M.,)	
)	
Plaintiffs)	
)	
vs.)	
)	
FAIRBANKS NORTH STAR)	
BOROUGH SCHOOL DISTRICT,)	
)	
Defendant)	Case No. 3:05-cv-0179 (TMB)
_____)	

REQUEST FOR CLARIFICATION

The Fairbanks North Star Borough School District, (the District), by and through counsel, JERMAIN DUNNAGAN & OWENS, hereby requests clarification of the status of its pending cross-motion for summary judgment. Specifically, the District seeks clarification from the court as to whether the pendency of A.M.'s motion to strike has tolled the time limits for opposing the District's cross-motion for summary judgment. As grounds for this motion, the District states as follows:

1. This matter is before the court on appeal of the Hearing Officer's determination that the District did not violate the Individuals with Disabilities Education Act, (IDEA) with regard to the educational programs afforded to A.M.

2. A.M. appealed the Hearing Officer's determination to this court. On February 21, 2006, A.M. moved for summary judgment, seeking reversal of the Hearing Officer's order.

3. On April 3, 2006, the District opposed A.M.'s motion for summary judgment and cross-moved for summary judgment.

4. On April 7, 2006, A.M. moved to strike the District's cross-motion for summary judgment.

5. On April 17, 2006, the District opposed the motion to strike.

6. Under Local Rule 7.1, any reply to the opposition to the motion to strike was due no later than April 24, 2006. A.M. did not file a reply to the opposition to the motion to strike.

7. Under Local Rule 7.1, any opposition to the District's cross-motion for summary judgment was due on or before April 19, 2006.

8. Although A.M. sought and obtained an extension of time to file a reply to the District's opposition to his motion for summary judgment, A.M. neither opposed the cross-motion nor sought an extension of time to oppose the cross-motion. Unless the court deems the time limits for motions as tolled during the pendency of the motion to strike, under Local Rule 7.1(d)(1), A.M.'s failure to oppose the motion is an admission that the District's cross-motion is well taken.

For the reasons set forth above, the Fairbanks North Star Borough School District respectfully requests the court clarify the status of the briefing schedule on the District's cross-motion for summary judgment.

Dated in Anchorage Alaska this 11th day of May, 2006.

JERMAIN, DUNNAGAN & OWENS, P.C.

/s/

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Certificate of Service

I hereby certify that on the
11th day of May, 2006, I
served a true and correct copy
of the foregoing by ☐ US Mail;
☐ hand delivery; ☐ facsimile
and/or ☒ electronic mail on:

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/s/ Bradley D. Owens

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